

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA *ex rel.*
STEVEN ADLER,

Plaintiff,

v.

THE SPORN COMPANY, INC., BIXLER’S
INC. and PERRY SPORN,

Defendants.

20 Civ. 8194 (AKH)

FILED UNDER SEAL

ORDER

WHEREAS, the United States (the “Government”) has declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), with respect to the claims asserted on its behalf in the above-captioned *qui tam* action;

IT IS ORDERED THAT:

1. The relator’s *qui tam* complaint shall be unsealed thirty days after entry of this Order and, in the event that the relator has not moved to dismiss the action, service upon the defendants by the relator is authorized as of that date. If the relator voluntarily dismisses the complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States or by motion on notice to the United States.

2. The Government’s Notice of Election to Decline Intervention (the “Declination Notices”) shall be served by the relator upon defendants only after service of the relator’s *qui tam* complaint.

3. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public, except for, thirty days after entry of this Order, the relator's *qui tam* complaint, this Order, and the Declination Notice.

4. Upon the unsealing of the complaint, the seal shall be lifted as to all other matters occurring in this action subsequent to the entry of this Order.

5. The parties shall serve all pleadings, motions, and notices of appeal filed in this action, including supporting memoranda and materials, upon the Government. The Government may order any deposition transcripts. The Government may seek to intervene in this action, for good cause, at any time or to seek dismissal of this action.

6. All orders of this Court shall be sent to the Government by the relator.

7. Should the relator or any defendant propose that this action be dismissed, settled, or otherwise discontinued, the party or parties proposing such relief will solicit the written consent of the Government before applying for Court approval.

Dated: December 12, 2022

SO ORDERED:

Alvin K. Hellerstein

HON. ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE